IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18638 of 2004

Between:

B. Venkateswara Reddy, S/o. B. Venkata Reddy, aged 43 years,
R/o. H.No.40/814-7B, Srinivasa Nagar, Kurnool-518 004.

..... PETITIONER

AND

1 The Regional Director, ESI Corporation, Hill Fort Road, Hyderabad
2 The Director General, ESI Corporation, Kotla Road, Panch Deep

Bhavan, New Delhi.
3 M/s. Deccan Chronicle, rep. by its Managing Parnter

Sri T. Venkatrami Reddy, S.D.Road, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent Nos. 1 and 2 herein in not giving any reply to the representation dt. 4.8.2004 submitted by the petitioner as illegal, arbitrary and consequently direct the respondent Nos. 1 and 2 herein to initiate appropriate action against the 3rd respondent management and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.EDIGA MALLIKARJUNA

Counsel for the Respondents 1 & 2: MR.R.N.REDDY

Counsel for the Respondent No.3: --

The Court at the admission stage made the following:

ORDER:

The petitioner worked as a Reporter under the 3rd respondent. Subsequently, he was transferred to Anantapur, where he resumed duty on 15.11.1999. The grievance of the petitioner is that the 3rd respondent has failed to enroll him under ESI scheme. He filed a complaint to the 1st respondent on 20.05.2000 for redressal of his grievance under Section 85 of the E.S.I.Act. The 2nd respondent passed an order under Section 45-A of the E.S.I.Act on 19.11.2002, directing the 3rd respondent management to determine the contributions amounting to Rs.9,397/- for the period from 1/97 to 5/99 and further directed him to pay the said amount within 15 days from the date of the said order.

2. The 1st respondent served a show cause notice on 03.08.2000 to the 3rd respondent management to show cause as to why prosecution should not be launched on them under Section 85 of the E.S.I.Act. On receiving an explanation from the 3rd respondent, the 1st respondent passed an order on 19.11.2002 by converting the complaint into a civil matter. Subsequently, the petitioner made a representation to the 2nd respondent on 04.08.2004 marking, a copy to the 1st respondent mentioning that the 3rd respondent is liable for prosecution. But the respondents 1 and 2 did not take any steps to initiate criminal action against the 3rd respondent. Therefore, the petitioner approached this Court through this writ petition, seeking to declare that the action of the respondents 1 and 2 in not giving any reply to the representation dated 04.08.2004 as illegal, arbitrary and consequently direct the respondents 1 and 2 to initiate appropriate action against the 3rd respondent.

3. In the light of the circumstances explained by the petitioner, the 1st respondent is directed to pass appropriate orders on the representation of the petitioner dated 04.08.2004 according to the

existing rules, within 2 (two) months from the date of receipt of a copy of this order and communicate the same to the petitioner.

4. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Regional Director, ESI Corporation,

Hill Fort Road, Hyderabad

2. The Director General, ESI Corporation,

Kotla Road, Panch Deep Bhavan, New Delhi

3. Two CD copies.